

Anderson, Sandra K. (ECY)

From: Park, Sage (ECY)
Sent: Thursday, November 21, 2013 11:57 AM
To: Anderson, Sandra K. (ECY)
Subject: FW: WBN updated list - Tillman

From: Jessica Kuchan [<mailto:Kuchan@mentorlaw.com>]
Sent: Wednesday, November 20, 2013 4:24 PM
To: Barwin, Robert F. (ECY)
Cc: Park, Sage (ECY)
Subject: RE: WBN updated list - Tillman

WITHDRAWN
11/21/2013

Bob,

Please accept this email as a request on behalf of Suncadia to withdraw S4-35476 and S4-35477.

Thanks,
Jessica

From: Jessica Kuchan
Sent: Thursday, August 08, 2013 12:20 PM
To: 'Barwin, Robert F. (ECY)'
Subject: RE: WBN updated list - Tillman

I will check with Suncadia and get back to you. Thanks.

From: Barwin, Robert F. (ECY) [<mailto:RBAR461@ECY.WA.GOV>]
Sent: Thursday, August 08, 2013 11:45 AM
To: Jessica Kuchan
Subject: FW: WBN updated list - Tillman

Hi Jessica: I think these two applications are part of the initial Tillman mitigation project that Joe was developing with runoff from Burchak's field and would no longer seem to serve a purpose. Could they be withdrawn?

Bob Barwin, Environmental Engineer
Water Resources Program, Central Regional Office
509-457-7140

From: Downes, Melissa M. (ECY)
Sent: Thursday, August 08, 2013 11:32 AM
To: Park, Sage (ECY); Barwin, Robert F. (ECY)
Subject: FW: WBN updated list - Tillman

Tillman Creek apps - these are storage???				
S4-35476	Suncadia LLC	A	NewApp	4/14/2011 IFlow
S4-35477	Suncadia LLC	A	NewApp	4/14/2011 IFlow

Sage & Bob – Since the Tillman ROEs have been approved, I'm guessing Suncadia doesn't have a need for these 'mitigation' apps for the Tillman area. Bob if you are still communicating regularly with Mentor Law folk, want to ask Jessica about these? Give them the opportunity to withdraw. -md

From: Anderson, Sandra K. (ECY)

Sent: Thursday, August 08, 2013 9:11 AM

To: Downes, Melissa M. (ECY); Park, Sage (ECY); Kemner, Mark (ECY); Walker, Kurt (ECY); Hoselton, Anna (ECY); Kroon, Debra L. (ECY); Barwin, Robert F. (ECY); Luttrell, Stuart (ECY)

Subject: WBN updated list

Sandy Anderson

Water Resources Program - CRO Yakima

(509)454-4172

sand461@ecy.wa.gov

This email has been scanned by the Boundary Defense for Email Security System. For more information please visit <http://www.apptix.com/email-security/antispam-virus>

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 21, 2013

Paul Eisenberg
New Suncadia LLC
4244 Bullfrog Road, Ste 1
Cle Elum WA 98922-8717

Re: Water Right Change Application Nos. CS4-YRB07CC01724@2, @5;
CS4-YRB07CC01724@3, @6; CS4-YRB07CC01724@1, @4; CS4-01724(A)CTCL,
CS4-01724(B)CTCL, CS4-01724(C)CTCL; CS4-00755(A)CTCL;
CS4-YRB02CC00755@2; CS4-00648(A)CTCL; CS4-00648(B)CTCL;
CS4-YRB04CC00648; CS4-YRB04CC00648@1; CS4-00648(AB)sb4-a;
CS4-00648(AB)sb4-b; CS4-01685(C)CTCL; CS4-01685(D)CTCL; CS4-YRB04CC01685;
CS4-YRB04CC01685@1; CS4-02255(A)CTCL; CS4-02255(B)CTCL;
CS4-02255(C)CTCL; CS4-02255(D)CTCL; CS4-02255(E)CTCL; CS4-02255(F)CTCL;
CS4-YRB03CC02255; CS4-YRB03CC02255@1; CS4-YRB03CC02255@2;
CS4-YRB03CC02255@3; CS4-YRB03CC02255@4; CS4-YRB03CC02255@5;
CS4-00626CTCL@2sb7; S4-35476, S4-35477, S4-35570, G4-32487, and G4-32488

Dear Mr. Eisenberg:

We have processed your request for assignments. Our records have been changed to reflect the assignments and we will send all future correspondence to you. Copies of the above referenced change authorizations and applications can be obtained from our office, if needed.

I have also enclosed a WR Document List of Change Applications that have not been assigned from Suncadia LLC to New Suncadia LLC. Please note the yellow highlights

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

Sandy Anderson
Water Resources Program



FILE COPY



New Suncadia LLC
March 21, 2013
Page 2

SA:gh
130322

Enclosure: Document List

Cc: Joe Mentor Jr., Mentor Law Group (w/enclosure)

Assignment letter.doc

130322

RECEIPT

Department of Ecology (4610)
 PO Box 47611
 Olympia, WA 98504-7611
 (360) 407-7095

Receipt Number
 Manual Receipt

13CJ011236

Document Number **461R2311 CJ** Date **12/18/2012** FM 18

Remitter Name **MENTOR LAW GROUP** Receipt Name

Check/Draw Number **2225**

Document Amount **1,800.00**

Method of Payment **Check**

Comment Description **SUSPENSE**

REF DOC NR	REF DOC SFX	INV NR	ID NR	SUB ID NR	T C	R FUND	MAJ GRP	MAG SRC	SUB SRC	CNTY	WORK CLS	PIC	AI	ORG	PRJ	SUB PRJ	PRJ PHS	SUB OBJ	SUB SUB OBJ	VAR GL	SUB DR	SID CR	SUB SID	ALLOC AMT
					001	027	09	25	000085															1,800.00

RECEIVED

DEC 17 2012

Water Resources
 Department of Ecology



Mentor Law Group^{PLLC}

315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104

12 DEC 17 10 51 AM 206.838.7650 FAX 206.838.7655

DEPT. OF ECOLOGY
FISCAL & BUDGET

Jessica Kuchan
kuchan@mentorlaw.com

December 14, 2012

Sent by USPS Priority Mail

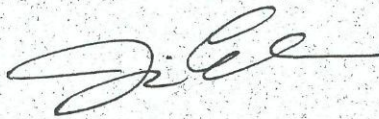
Department of Ecology
Cashiering Unit
P.O. Box 47611
Olympia, WA 98504-7611

RE: **Assignment of Applications and Permits to Appropriate Water
Projection Located in area administered by Central Regional
Office**

Dear Cashiering Unit:

Please find enclosed an Assignment of Applications and Permits to Appropriate Water from Suncadia, LLC to New Suncadia, LLC and the requisite fee of \$1,800.00. Please note that the project is within the area administered by the Central Regional Office. Please contact us if you need any additional information.

Sincerely,
MENTOR LAW GROUP, PLLC



JESSICA C. KUCHAN

REET 3/18/13

ENCLOSURES

Washington Department of Ecology
Water Resources Program
Assignment of Applications and Permits to Appropriate Water

Assignor/Applicant/Permittee:

Suncadia, LLC
4244 Bullfrog Road, Ste 1
Cle Elum, WA 98922
(509) 649-3000

Assignee:

New Suncadia, LLC
4244 Bullfrog Road, Ste 1
Cle Elum, WA 98922
(509) 649-3000

Suncadia, LLC, a Delaware limited liability company, hereby assigns to New Suncadia, LLC, a Delaware limited liability company, its rights, title, and interest in and to all the applications and permits listed in Exhibit A, attached hereto and incorporated by reference.

Reason for Assignment: This assignment is made to effectuate the transfer of the water rights from Suncadia, LLC to New Suncadia, LLC in accordance with the Agreement of Purchase and Sale (Deed in Lieu of Foreclosure) dated April 13, 2012, and Non-Merger Deed in Lieu of Foreclosure recorded on June 18, 2012.

Development Schedule: The development schedules for the permits can be met.

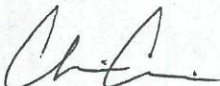
Location of Appurtenant Property and Project: In Kittitas County, Washington. This assignment should be sent to Ecology's **Central Regional Office**.

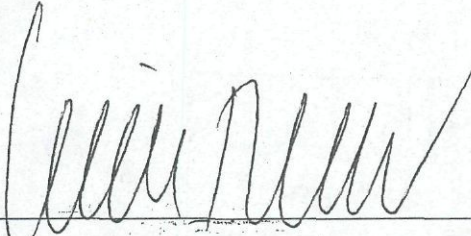
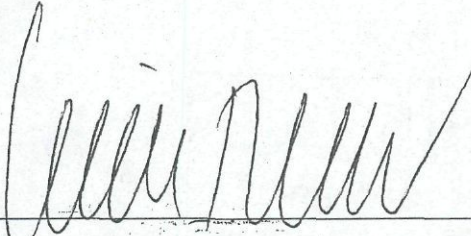
(signatures on the following page)

By signing below, we acknowledge that we have read the above assignment of the applications and permits listed in Exhibit A and that we know the contents thereof, and that the facts therein stated are true.

Assignor: Suncadia, LLC
a Delaware limited liability company

By: LDD Suncadia Investors, LLC,
a Delaware limited liability company,
its managing member

By: 
Name: CHRISTOPHER CURRIE
Title: Vice President

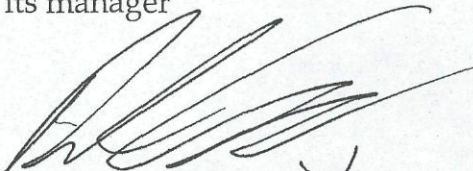
Date: 
By: 
Name: WILLIAM T. WETHE
Title: Senior Vice President

Date:

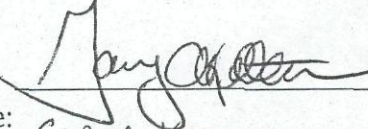
Assignee: New Suncadia, LLC,
a Delaware limited liability company

By: Suncadia Operating Member, LLC,
a Delaware limited liability company,
its managing member

By: LDD Suncadia Manager, Inc.,
a Delaware corporation,
its manager

By: 
Name: Paul Eisenberg
Title: Senior Vice President

Date: 12-6-2012

By: 
Name: GARY A. KITTESON
Title: VICE PRESIDENT

Date: 12/6/12

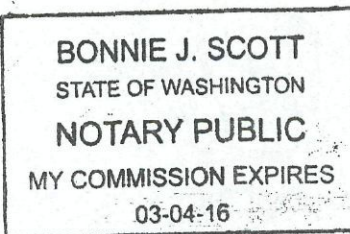
STATE OF WASHINGTON)
) SS.
COUNTY OF KITTITAS)

On this 6th day of December 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Paul J. Eisenberg and Gary A. Kittleson, to me known to be the Senior Vice President and Vice President, respectively, of LDD SUNCADIA MANAGER, INC., a Delaware corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

Name: Bonnie J. Scott

NOTARY PUBLIC in and for the State of Washington,
residing at Cle Elum

My Commission expires: 03/04/16



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of LOS ANGELES

On DECEMBER 4, 2012 before me, A. LISCANO, NOTARY PUBLIC

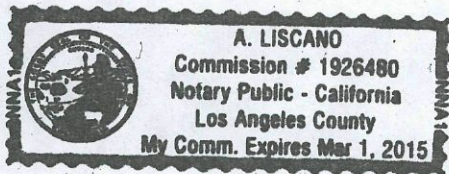
Date

Here Insert Name and Title of the Officer

personally appeared CHRISTOPHER CURRIE AND WILLIAM T.

Name(s) of Signer(s)

WETHE



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: A. Liscano

Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: ASSIGNMENT OF APPLICATIONS & PERMITS TO APPROPRIATE WATER

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Attorney in Fact

☐ Trustee

☐ Trustee

☐ Guardian or Conservator

☐ Guardian or Conservator

☐ Other: _____

☐ Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Exhibit A: Water Rights Assigned to New Suncadia, LLC

CS4-YRB07CC01724@2,@5
CS4-YRB07CC01724@3,@6
CS4-YRB07CC01724@1,@4
CS4-01724(A)CTCL
CS4-01724(B)CTCL
CS4-01724(C)CTCL
CS4-00755(A)CTCL
CS4-YRB02CC00755@2
CS4-00648(A)CTCL
CS4-YRB04CC00648
CS4-00648(B)CTCL
CS4-YRB04CC00648@1
CS4-00648(AB)sb4-a
CS4-00648(AB)sb4-b
CS4-01685(C)CTCL
CS4-YRB04CC01685@1
CS4-01685(D)CTCL
CS4-YRB04CC01685
CS4-02255(A)CTCL
CS4-YRB03CC02255
CS4-02255(B)CTCL
CS4-YRB03CC02255@1
CS4-02255(C)CTCL
CS4-YRB03CC02255@2
CS4-02255(D)CTCL
CS4-YRB03CC02255@3
CS4-02255(E)CTCL
CS4-YRB03CC02255@4
CS4-02255(F)CTCL
CS4-YRB03CC02255@5
CS4-00626CTCL@2sb7
S4-35476
S4-35477
S4-35570
G4-32487
G4-32488



October 1, 2012

Mark Kemner, Section Manager
Water Resources Program
Washington Department of Ecology
15 W. Yakima Ave., Suite 200
Yakima, WA 98902-3453

RE: Assignment of Trust Water Right Agreement

Dear Mr. Kemner:

On February 11, 2010, Suncadia, LLC and the Washington Department of Ecology signed a Trust Water Right Agreement. The beneficial interest in the water pursuant to the Agreement and the interest in the Agreement have been transferred from Suncadia, LLC to New Suncadia, LLC.

The Trust Water Right Agreement allows for Suncadia, LLC to assign its interest to another party by providing written notice to Ecology.¹ This letter is intended to satisfy that notice requirement. Please update Ecology's records to reflect that the Agreement is between New Suncadia, LLC and Ecology.

Sincerely,

By: New Suncadia, LLC,
a Delaware limited liability company

By: Suncadia Operating Member, LLC,
a Delaware limited liability company,
its managing member

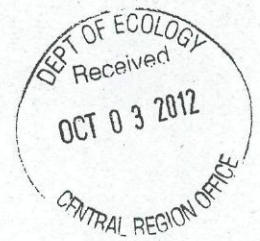
By: LDD Suncadia Manager, Inc.,
a Delaware corporation,
its manager

By: 

Name Paul Eisenberg

Its: Sr. Vice President

¹ Trust Water Right Agreement between Suncadia, LLC and Washington Department of Ecology, paragraph 8, page 6 (Feb. 11, 2010).



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7 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
8 FOR YAKIMA COUNTY

9 IN THE MATTER OF THE
10 DETERMINATION OF THE RIGHTS TO
11 THE USE OF THE SURFACE WATERS
12 OF THE YAKIMA RIVER DRAINAGE
13 BASIN, IN ACCORDANCE WITH THE
PROVISIONS OF CHAPTER 90.03,
REVISED CODE OF WASHINGTON

14 STATE OF WASHINGTON
15 DEPARTMENT OF ECOLOGY,
16 Plaintiff,

17 v.

18 JAMES J. ACQUAVELLA, et al.,
19 Defendants.
20
21

No. 77-2-01484-5

**MOTION TO SUBSTITUTE
PARTIES**

**NEW SUNCADIA, LLC FOR
SUNCADIA, LLC**

COURT CLAIM NOS.:

00755 (SUBBASIN NO. 2)

00648 (SUBBASIN NO. 4)

01685 (SUBBASIN NO. 4)

01724 (SUBBASIN NO. 7)

02255 (SUBBASIN NO. 3)

22
23 1. CLAIMANT, Suncadia, LLC is the claimant of record and states the
24 following:

25 A. Claimant Name: Suncadia, LLC

26 B. Claimant Address: 4244 Bullfrog Road

Cle Elum, WA 98922-8717

C. Telephone No.: (509) 649-3000

D. Court Claim Nos.:

00755 (Subbasin No. 2, Easton)

00648 (Subbasin No. 4, Swauk)

01685 (Subbasin No. 4, Swauk)

01724 (Subbasin No. 7, Reecer)

02255 (Subbasin No. 3, Teanaway)

2. CLAIMANT, Suncadia, LLC states that the following entity has succeeded to the entirety of ALL interest in the subject claims held by Claimant.

A. Successor's Name: New Suncadia, LLC

B. Address: 4244 Bullfrog Road

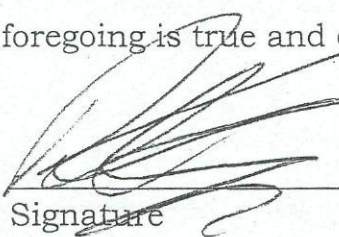
Cle Elum, WA 98922-8717

C. Telephone No.: (509) 649-3000

3. DECLARATION OF CLAIMANT:

I, Paul Eisenberg declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

9-26-2017
Date and Place


Signature

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7 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
8 FOR YAKIMA COUNTY

9 IN THE MATTER OF THE
10 DETERMINATION OF THE RIGHTS TO
11 THE USE OF THE SURFACE WATERS
12 OF THE YAKIMA RIVER DRAINAGE
13 BASIN, IN ACCORDANCE WITH THE
PROVISIONS OF CHAPTER 90.03,
REVISED CODE OF WASHINGTON

14 STATE OF WASHINGTON
15 DEPARTMENT OF ECOLOGY,
16 Plaintiff,

17 v.

18 JAMES J. ACQUAVELLA, et al.,
19 Defendants.
20
21

No. 77-2-01484-5

**ORDER GRANTING MOTION
TO SUBSTITUTE PARTIES
NEW SUNCADIA, LLC FOR
SUNCADIA, LLC**

COURT CLAIM NOS.:

00755 (SUBBASIN NO. 2)

00648 (SUBBASIN NO. 4)

01685 (SUBBASIN NO. 4)

01724 (SUBBASIN NO. 7)

02255 (SUBBASIN NO. 3)

22 This ex parte matter came before the Court on a motion of Suncadia, LLC
23 and New Suncadia, LLC for Claim Numbers: 00755 (Subbasin No. 2, Easton);
24 00648 (Subbasin No. 4, Swauk); 01685 (Subbasin No. 4, Swauk); 01724
25 (Subbasin No. 7, Reecer); and 02255 (Subbasin No. 3, Teanaway).
26

1 The Court having considered the motion to substitute parties and for
2 good cause shown, finds that claimant has transferred these claims. Therefore,
3 New Suncadia, LLC is substituted for Suncadia, LLC.

4 This ex parte Order shall be effective upon filing with the Clerk. Any
5 objection to the Order must be filed with the Clerk within 30 days of its
6 publication in the Monthly Notice or shall be deemed waived.

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Hon. F. James Gavin
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6 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
7 FOR YAKIMA COUNTY
8

9 IN THE MATTER OF THE
10 DETERMINATION OF THE RIGHTS TO
11 THE USE OF THE SURFACE WATERS
12 OF THE YAKIMA RIVER DRAINAGE
13 BASIN, IN ACCORDANCE WITH THE
PROVISIONS OF CHAPTER 90.03,
REVISED CODE OF WASHINGTON

14 STATE OF WASHINGTON
15 DEPARTMENT OF ECOLOGY,
16 Plaintiff,

17 v.

18 JAMES J. ACQUAVELLA, et al.,
19 Defendants.

No. 77-2-01484-5

CERTIFICATE OF SERVICE

COURT CLAIM NOS.:

00755 (SUBBASIN NO. 2)

00648 (SUBBASIN NO. 4)

01685 (SUBBASIN NO. 4)

01724 (SUBBASIN NO. 7)

02255 (SUBBASIN NO. 3)

20 I certify that on October 1, 2012, I caused the Motion to Substitute
21 Parties, New Sucadia, LLC for Suncadia, LLC in Court Claim Nos. 00755
22 (Subbasin No. 2), 00648 (Subbasin No. 4), 01685 (Subbasin No. 4), 01724
23 (Subbasin No. 7) and 02255 (Subbasin No. 3), Proposed Order and this
24 Certificate of Service to be served on the following persons and entities via the
25 method indicated:
26

1 Denny Herreid
Clerk of the Court
2 Yakima County Superior Court
128 N. 2nd St., Room 323
3 Yakima, WA 98901-2631

- ☒ **Overnight Delivery via Federal Express**
☐ First Class Mail via USPS
☐ Certified Mail, Return Receipt Requested
☐ Hand-Delivered
☐ Electronic Mail

4 Alan M. Reichman
Barbara A Munson
5 Attorney General of Washington
Ecology Division
6 2425 Bristol Court SW, 2nd Floor
Olympia, WA 98504

- ☒ **Overnight Delivery via Federal Express**
☐ First Class Mail via USPS
☐ Certified Mail, Return Receipt Requested
☐ Hand-Delivered
☐ Electronic Mail

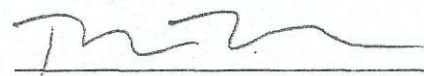
7 Department of Ecology
8 Water Resources Program
Central Regional Office
9 15 W Yakima Ave, #200
Yakima, WA 98902

- ☐ Overnight Delivery via Federal Express
☒ **First Class Mail via USPS**
☐ Certified Mail, Return Receipt Requested
☐ Hand-Delivered
☐ Electronic Mail

10
11 I declare under the penalty of perjury under the laws of the State of
12 Washington that the foregoing is true and correct.

13
14 Executed this 1st day of October, 2012, in Seattle, Washington.

15 Respectfully submitted,
16 MENTOR LAW GROUP, PLLC

17
18 
19 _____
20 Tammy Liddle



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 25, 2011

Suncadia, LLC
4244 Bull Frog Road, Suite 1
Cle Elum WA 98922-8717

Re: Water Right Application Nos. S4-35476 and S4-35477

We have received your applications for two water rights and have assigned them the numbers shown above. Please use these numbers in future communications with our office.

Please note that construction of your water system and water use should begin only after you have received written authorization from Ecology.

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely

Melissa Downes, LHG
Acting Section Manager
Water Resource Program

MD:hd
110430

cc: Jessica Kuchan, Attorney, Mentor Law Group PLLC

App-expedited.doc



FILE COPY